

30.11.2021
Serial no.470

Aloke
Ct. No. 29

(Through Video Conference)

CRM 7313 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 08.11.2021 in connection with Joypur Police Station Case No. 125 of 2021 dated 21.07.2021 under Sections 302/498A of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act and Section 9 of the Prohibition of Child Marriage Act, 2006.

-And-

In the matter of : **Jhantu Guchait**

... ..Petitioner

Mr. Goutam Sardar, Advocate
Ms. Tanuka Basu, Advocate
Ms. Priyanka Monda, Advocate

... .. For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Ms. Faria Hossain, Advocate
Ms. Baisali Basu, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statement recorded under Section 161 and 164 of the Code of Criminal Procedure of the son of the victim and two statements of the neighbours recorded under Section 164 of the Code of Criminal Procedure. The police filed charge-sheet inter alia under Section 302 of the Indian Penal Code against the petitioner.

The statement under Section 164 of the two neighbours states that the petitioner was at the spot at the time when the incident happened. The death was caused by burning. On query from the Court as to whether the petitioner who is the husband of the deceased suffered any burn injuries or not, the answer is in negative by the State.

Considering the facts and circumstances of the case and considering the fact that the husband who was present at the spot where the deceased suffered fatal burn injuries did not suffer any burn and considering the materials in the case diary, we are not inclined to grant bail to the petitioner.

The prayer for bail is, thus, rejected.

CRM 7313 of 2021 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)